



United States Government

**NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE EXECUTIVE SECRETARY
1015 HALF STREET, SE
WASHINGTON DC 20570**

October 25, 2019

David L. Barber
McCracken, Stemerma & Holsberry, LLP
595 Market Street, Suite 800
San Francisco, CA 94105

Re: Unite Here Local 1
Cases 13-CB-217959, 13-CB-220319 and 13-CB-228165

Dear Mr. Barber:

This letter acknowledges receipt of Respondent's Exceptions and Brief in Support of Exceptions to the Administrative Law Judge's Decision, filed with the Board on October 25, 2019.

Section 102.46(a) of the Board's Rules and Regulations provides for the filing of exceptions and brief in support of exceptions with the Board "[w]ithin 28 days, or within such further period as the Board may allow, from the date of the service of the order transferring the case to the Board." The Order Transferring Proceeding to the Board was served on September 26, 2019. As stated in that Order, the due date for the filing of exceptions and brief in support of exceptions was October 24, 2019. Per Section 102.2(b) of the Board's Rules and Regulations, E-filed documents must be received by 11:59 p.m. of the time zone of the receiving office which would be Eastern Standard Time. The Respondent's exceptions and brief in support were filed respectively at 12:51 a.m., and 12:54 a.m. (ET), on October 25, 2019. Accordingly, the Respondent's filings are untimely and will not be forwarded to the Board for consideration.

Section 102.2(d) of the Board's Rules and Regulations allows for parties to file documents within a reasonable time after the due date only upon good cause shown based on excusable neglect and when no undue prejudice would result. "A party seeking to file such documents beyond the time prescribed by these Rules must file,

along with the document, a motion that states the grounds relied on for requesting permission to file untimely. The specific facts relied on to support the motion must be set forth in affidavit form and sworn to by individuals with personal knowledge of the facts. For the Board to consider the Respondent's untimely filed exceptions and brief, you must follow the prescribed method outlined in Section 102.2(d), which requires a sworn affidavit by individuals with personal knowledge of the facts.

Very yours truly,

/s/ Leigh Reardon
Associate Executive Secretary

cc: Parties